

RECORD NO. 16-1172

IN THE
United States Court of Appeals
FOR THE FOURTH CIRCUIT

THEODORE G. HARTSOCK, JR.
as Personal Representative of the Estate of Sarah Mills Hartsock
(Estate of Sarah Mills Hartsock),
Plaintiff-Appellee,

v.

GOODYEAR DUNLOP TIRES NORTH AMERICA LTD.,
a foreign corporation;
THE GOODYEAR TIRE & RUBBER COMPANY,
a foreign corporation,
Defendants-Appellants.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA AT CHARLESTON

RESPONSE OF APPELLANTS
GOODYEAR DUNLOP TIRES NORTH AMERICA LTD. AND
THE GOODYEAR TIRE & RUBBER COMPANY
TO MOTIONS FOR LEAVE TO FILE AMICUS BRIEFS

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The Appellants, Sumitomo Rubber USA, LLC¹ and The Goodyear Tire & Rubber Company, by undersigned counsel, in response to this Court’s order, (Doc. 32), and pursuant to Fed. R. App. P. 29, hereby give their consent to this Court granting the motions filed by the Rubber Manufacturers Association and The Product Liability Advisory Council, Inc. (the “Movants”), for leave to file amicus briefs in support of the Appellants’ position in this appeal. *See* (Docs. 28, 30).

The interests asserted by the Movants in this case are of the same type and degree as those whom are generally afforded an opportunity to participate as *amicus curiae*. *See* (Doc. 28 at 1–2, ¶¶1–3; Doc. 29-1 at iii–iv; Doc. 30 at 2–3, ¶¶1–3; Doc. 31-1 at 1–2). And the Movants’ amicus briefs provide this Court additional material that has not been brought to its attention and that is relevant to the appeal’s disposition. *See Voices for Choices v. Illinois Bell Tel. Co.*, 339 F.3d 542, 545 (7th Cir. 2003) (Posner, J.) (stating that the standard of whether to permit amicus filing is “whether the brief will assist the judges by presenting ideas, arguments, theories, insights, facts, or data that are not to be found in the parties’ briefs”). This includes: a statement of public policy concerns and industry-specific considerations, (Doc. 29-1 at 1–9); a survey of other jurisdictions’ analysis of discovery requests for tire compound formulas and tire design manuals, (Doc. 29-1

¹ As noted in the Opening Brief of Appellants and in the Amended Disclosure of Corporate Affiliations, (Docs. 17, 19), Goodyear Dunlop Tires North America Ltd. is now known as Sumitomo Rubber USA, LLC.

at 12–19); and a summary of the special dangers presented in this case by disclosure to one of Plaintiff’s attorneys and expert witnesses, (Doc. 31-1 at 14–22). As the briefs may inform this Court’s decision regarding the nature and scope of trade secret privileges in general and whether disclosure of the Trade Secrets should have been ordered in this case in particular, the Motions for Leave to File Amicus Briefs should be granted.

CONCLUSION

WHEREFORE, for all of the foregoing reasons, the Movants should be granted leave to file their proposed amicus briefs in support of the Appellants.

Respectfully Submitted,

s/

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CERTIFICATE OF SERVICE

I hereby certify that on April 15, 2016, the foregoing RESPONSE OF APPELLANTS TO MOTIONS FOR LEAVE TO FILE AMICUS BRIEFS was filed with the clerk of this Court and served upon all counsel of record through the CM/ECF system.

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